

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

03-123
98-67 ✓
CGB

August 9, 2004

Control No. 0402294-Pol

Ms. Cynthia Frey
4309 Bridgewater Circle
Phenix City, AL 36867

DOCKET FILE COPY ORIGINAL

Dear Ms Frey:

Thank you for your letter of July 8, 2004, to Senator Richard Shelby, expressing your concerns regarding Video Relay Service (VRS), a form of telecommunications relay service (TRS). Your correspondence was forwarded to the Federal Communications Commission's (Commission or FCC), Consumer & Governmental Affairs Bureau (the Bureau) for handling.

Your letter asks that the FCC not further reduce the VRS compensation rate until VRS becomes available 24 hours per day, 7 days per week, with high quality services and accessibility. You also ask the Congress to overturn the FCC's decision refusing reimbursement for Video Mail.

As an initial matter, the rate for compensating VRS providers is not dependent on whether the service is offered on a 24/7 basis or vice versa. Since VRS is not a mandatory form of TRS, there is no requirement that it be offered on a 24/7 basis. However, there is nothing to prevent VRS providers from offering the service on a 24/7 basis. TRS providers are currently operating under waivers of the rule so that they do not have to provide the service on a 24/7 basis, but may still be compensated from the Interstate TRS Fund (the Fund).

We also note that, as a practical matter, the Commission neither "raises" nor "reduces" the TRS compensation rates, but adopts them on an annual basis, based on projected cost and usage data submitted by the providers. This data is submitted to the National Exchange Carrier Association (NECA), which is the TRS Fund administrator. Each year, NECA reviews these submissions and recommends a compensation rate to the Commission. For the July 2004 to June 2005 Fund year, NECA submitted a proposed VRS compensation rate of \$7.293 per minute. On June 30, 2004, the Bureau issued an Order (DA 04-1999) approving NECA's proposed rate, subject to adjustments discussed in the Bureau's Order. A copy of that Order (DA 04-1999) is enclosed.

We further note that VRS continues to grow rapidly in popularity, despite the fact it is not available on a 24/7 basis. In fact, although VRS has been available only for the past two and a half years, in the past year alone the use of VRS has increased from 211,529 minutes in

June 2003, to 733,040 minutes in May 2004. We also note that we are continuing to raise and address new issues as provision of this important service evolves. On June 30, 2004, the Commission released an order that included a Further Notice of Proposed Rulemaking (FNPRM), in CG Docket No. 03-123 (FCC 04-137), seeking comment on various matters concerning, *inter alia*, VRS. Specifically, with regard to VRS, the FNPRM seeks comment on the appropriate cost recovery methodology for VRS; whether the Commission should adopt jurisdictional separation of costs for VRS so that all VRS costs are not reimbursed from the federal Interstate TRS Fund; whether VRS should become a mandatory form of TRS; whether VRS should be required to be offered 7 days a week, 24 hours a day; and whether a "speed of answer" rule should be applied to the provision of VRS. A copy of the Report & Order, Order on Reconsideration and Further Notice of Proposed Rule Making that was released by the Commission on June 30, 2004, is also enclosed.

With regards to your request that Congress overturn the "FCC's decision refusing reimbursement for Video Mail," the Commission has made no such determination. In fact, we note that a Public Notice (CG Docket 03-123, DA 04-2062) was released on July 9, 2004, seeking comment on whether the provision of Video VRS Mail to deaf and hard of hearing persons is eligible for compensation from the Interstate TRS Fund. After we review all of the comments on this issue, we will address the matter.

To the extent you have concerns about the provision of VRS, we encourage you to actively participate in proceedings before the Commission to ensure that your opinions are expressed and considered fully. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience, and to invite comments from other parties on Commission regulatory proposals. This free service enables consumers to subscribe and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, an individual should send an e-mail to subscribe@info.fcc.gov and, in either the subject line or the message insert: "subscribe fcc-consumer-info first name last name" (e.g., "subscribe fcc-consumer-info John Doe").

We also invite you to visit the Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> or the Commission's Home Page located at <http://www.fcc.gov>.

Ms. Cynthia Frey

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We note that you have already filed your letter in the docket for these ongoing TRS proceedings, and these comments will be considered therein. We appreciate your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dane Snowden", with a long horizontal flourish extending to the right.

K. Dane Snowden

Chief

Consumer & Governmental Affairs Bureau

Enclosures

cc: Senator Richard Shelby

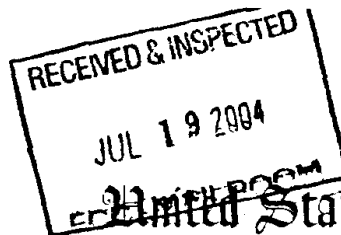
RICHARD SHELBY
ALABAMA

CHAIRMAN - COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS
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WASHINGTON, DC 20510-0103

July 8, 2004

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Ms. Sheryl J. Wilkerson
Office of Legislative Affairs
Federal Communications Commission
Room 8-C453
445 12th Street, S.W.
Washington, D.C. 20554

*C.S.
Policy-Disability
2294*

Dear Ms. Wilkerson:

Enclosed, please find a copy of correspondence I received
from Cynthia Frey.

Please review the enclosed and address the concerns raised.
I have notified my constituent to expect a timely reply directly
from you.

Sincerely,

Richard Shelby

Richard Shelby

RCS/jjg
Enclosure

19 JUL 2004 RCVD

RICHARD SHELBY
ALABAMA

CHAIRMAN—COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS

COMMITTEE ON APPROPRIATIONS

CHAIRMAN—SUBCOMMITTEE ON TRANSPORTATION

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United States Senate

WASHINGTON, DC 20510-0103

July 8, 2004

Ms. Cynthia Frey
4309 Bridgewater Circle
Phenix City, Alabama 36867

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(205) 759-8047

Dear Ms. Frey:

Thank you for taking the time to contact me regarding
reimbursement rates for video relay services.

I have contacted the FCC on your behalf and have asked them
to respond to your concerns. You should expect a reply to your
concerns directly from the agency in a timely manner. Please do
not hesitate to contact me about this or other matters in the
future.

Sincerely,

Richard Shelby

Richard Shelby

RCS/jjg

08

RECEIVED JUN 23 2004

448466

Shelby, Senator (Shelby)

From: Cynthia Frey [LC143@juno.com]
Sent: Tuesday, June 22, 2004 11:38 AM
To: Shelby, Senator (Shelby)
Subject: Video Relay Services

560906

Cynthia Frey
4309 Bridgewater Circle
Phenix City, AL 36867

June 22, 2004

The Honorable Richard C. Shelby
United States Senate
110 Hart Senate Office Building
Washington, D.C. 20510-0103

Senator Shelby:

Video Relay Services (VRS) is even more wonderful to use than the traditional TTY and Relay Service. My deaf mother had the opportunity to use it while attending my daughter's graduation at Gallaudet University and was delighted with the naturalness of it. I want to see it become an important real-time communication service. The VRS is, for my mother and me, closer to functional equivalency than other telecommunications services. I'm sure it would be extremely useful for others who are deaf or those who communicate with the deaf. For the sake of friends, family and business contacts, please do not allow the FCC to further reduce the VRS rate of reimbursement until it becomes available 24/7 with high quality services and accessibility. Please also overturn the FCC's decision refusing reimbursement for video mail. Thank you for your time and consideration.

Sincerely,

Cynthia Frey